IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 14885 of 1994

Between:

A.P.S.R.T.C. National Mazdoor union, represented by its General Secretary, (Regd.No.3108) Sri P. Ramamohan Rao, S/o. Subrahmanyam, H.No. 21-1, Vigyanpuri, Vidyanagar, Hyderabad-44.

..... PETITIONER

AND

The A.P.S.R.T.C., Rep. by its Vice Chairman & Managing Director, Mushirabad, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondent in withdrawing the family planning incentive scheme by proceedings No. W III/289(4)/94-PD(IRW), dated 7-6-1994 as illegal, unjust, contrary to law, in violation of principles of natural justice, in violation of Section 9 (a) of the Industrial Disputes Act and also in violation of Section 33(1) of the I.D.Act, 1947.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent: MR.K.HARINATH

The Court made the following:

ORAL ORDER:

This Writ Petition has been filed by the APSRTC National Mazdoor Union represented by its General Secretary questioning the action of the APSRTC in withdrawing the Family Planning Incentive Scheme, by proceedings dated 7.6.1994 as being in violation of Section 9(a) and Section 33(1) of the Industrial Disputes Act.

2. This Court, by order in WPMP.No.18263 of 1994 dated 17.8.1994, suspended the said proceedings dated 7.6.1994. On a vacate stay petition being filed by the APSRTC, the interim orders passed on 17.8.1994 was made absolute by order dated 9.12.1994. I am informed that as a result thereof, employees of the APSRTC continue to receive Family Planning Incentive increments till date.

3. Sri A.K.Jayaprakash Rao, learned counsel for the petitioner, placed before me a letter dated 7.7.2004 addressed by the Vice Chairman and Managing Director to the learned Advocate General informing that the APSRTC is extending the Family Planning (Incentive) increments to its employees on par with the Scheme of the Government of Andhra Pradesh. This letter is taken on record. Sri Jayaprakash Rao further submits that in view of the said letter addressed by the Vice Chairman and Managing Director, APSRTC., the cause in the Writ Petition does not survive.

4. The Writ Petition is accordingly disposed of. No costs.

SSR 17.06.2005

To

1 The Vice Chairman & Managing Director, A.P.S.R.T.C., Mushirabad, Hyderabad.

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